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LAW PROVIDES STATE GRADES

To Make North Carolina
Spuds and Other Pro-
ducts Standard

Northeastern North Carolina potato growers will do well to begin to familiarize themselves with the new law establishing standard packages, grades and state brands for potatoes and other produce.

The new law enables honest producers to standardize North Carolina fruits and produce and penalizes the dishonest producer who attempts to market off-grade produce as graded. The State Department of Agriculture will fix grades, brands and sizes of packages and furnish inspectors to assist those growers who will adopt these standard grades, packages and state brands. No grower is compelled to do this, but those who don't are compelled to mark their produce "Not Graded." And if they use other than standard barrels and packages, they must mark them "Not Standard."

North Carolina potato growers alone lose hundreds of thousands of dollars annually because the produce trade does not recognize North Carolina produce as standard. North Carolina produces annually about 2,000,000 barrels of potatoes. Buyers and commission men generally discount these North Carolina potatoes 25 to 50 cents a barrel because they are not protected as to grade. They would rather pay 25 to 50 cents a barrel more for potatoes graded according to modern agricultural and market standards.

The new standard grade and package law, introduced in behalf of the N. C. Agricultural Department, by Representative Saunders of Pasquotank, has been published in this newspaper, but it probably won't hurt to publish it in full again. Here it is:

A BILL TO BE ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF STANDARD PACKAGES, GRADES, STATE BRANDS AND FOR OTHER PURPOSES."

The General Assembly of North Carolina do Enact:

Section 1. The purpose of this act is to give authority to investigate marketing conditions and to establish and maintain standard grades and packages and state brands for farm and horticultural crops.

Sec. 2. The Board of Agriculture is charged with the execution of the provisions of this act, and has authority to employ such agents and assistants as may be necessary, fix their compensation and define their duties, and may require bonds in such amounts as they may deem advisable, conditioned upon the faithful performance of duties by any employee or agent.

Sec. 3. It shall be the duty of the Board of Agriculture to investigate the subject of marketing farm products, to diffuse useful information relating thereto, and to furnish advice and assistance to the public in order to promote efficient and economical methods of marketing farm products, and authority is hereby given to gather and diffuse timely information concerning the supply, demand, prevailing prices and commercial movement of farm products, including quantities in common and cold storage, and may interchange such information with the United States Department of Agriculture.

Sec. 4. After investigation, and from time to time, as may be practical and advisable, the Board shall have authority to establish and promulgate standards of opened and closed receptacles for, and standards for the grade and other classification of farm products by which their quality, quantity and value may be determined and prescribe and promulgate rules and regulations governing the marks, brands and labels which may be required for receptacles for farm products for the purpose of showing the name and address of the producer or packer; the quantity, nature and quality of the product, or any of them, and for the purpose of preventing deception in reference thereto, and for the purpose of establishing a state brand for any farm product produced in North Carolina; Provided that any standard for any farm product or receptacle therefore or any requirement for marking receptacles for farm products, now or hereafter established under authority of the Congress of the United States, shall forthwith, as far as applicable, be established or prescribed, and promulgated as the official standard or requirement in this state; PROVIDED FURTHER, that no standard established or requirement for marking receptacles for farm products shall become effective until the expiration of thirty days after it shall have been promulgated.

Sec. 5. Whenever any standard for the grade or other classification of any farm product becomes effective under this act, no person thereafter shall pack for sale, offer to sell or sell within this state any such farm product to which such standard is applicable, unless it conforms to the standard, subject to such reasonable variations thereof as may be allowed in the rules and regulations made under this act; Provided, That any farm product may be packed for sale, offered for sale, or sold without conforming to the standard for grade, or other classification applicable thereto, if it is especially described as not graded or plainly marked "Not Graded."

Whenever any standard for an open or closed receptacle for a farm product shall be made effective under this act, no person shall pack for sale, offer to sell or sell within this state any such farm product to which such standard is applicable, unless the receptacle conforms to the standard, subject to such variations thereof as may be allowed in the rules and regulations made under this act, or unless the receptacle be of a capacity 25 per cent less than the capacity of the minimum standard receptacle for the product; Provided, That any receptacle for such farm product of a capacity within 25 per cent of, or larger than, the minimum standard receptacle for the product may be used if it is specifically described as not a standard size, or be conspicuously marked with the words "Not Standard Size," in addition to any other marking which may prescribe for such receptacles under authority given by this act.

Whenever any requirement for making a receptacle for a farm product shall have been made effective under this act, no person shall sell or deliver in this state any such farm product in a receptacle to which such requirement is applicable, unless the receptacle be marked according to such requirement.

Sec. 6. The Board is authorized to employ, license or designate persons to inspect and classify farm products, and to certify as to the grade or other classification thereof, in accordance with the standards made effective under this act, and shall fix, assess and collect or cause to be collected any fees for such services. Whenever, after opportunity for a hearing is afforded to any person employed, licensed or designated under this section, it is determined that such person has failed to

classify farm products correctly in accordance with the standards established therefor under this act, or had violated any provision of this act, or of the rules and regulations made hereunder, the Board may suspend or revoke the employment, license or designation of such person. Pending investigation, the person in charge of this work may suspend or revoke any such appointment, license, or designation temporarily without hearing.

Sec. 7. The owner or person in possession of any farm product classified in accordance with the provisions of this act may appeal from such classification under such rules and regulations as he may prescribe.

Sec. 8. A certificate of the grade or other classification of any farm product issued under this act shall be accepted in any court of this state as prima facie evidence of the true grade or other classification of such farm product at the time of its classification.

Sec. 9. Any person employed, licensed, or designated shall neither classify, nor certify as to the grade or other classification, of any farm product which, in his judgment, is unwholesome or unfit for food of man or animal. If, in the performance of his official duties, he discovers any farm product which is unwholesome or unfit for food or man or for other animal for which it is intended, he shall promptly report the fact to a health officer of the State or of any county or municipality thereof.

Sec. 10. Agents and employees are authorized, from time to time, to ascertain the amount of any farm product or products within this state, to inspect any farm products in the possession of any person engaged in the business of marketing the same within this state, and to take samples of such products.

Sec. 11. In carrying out the purposes of Section 10 of this act, agents and employees are authorized to enter on any business day during the usual hours of business, any storehouse, warehouse, cold storage plant, packing house, stock yard, railroad yard, railroad car, or any other building or place where farm products are kept or stored by any person engaged in the business of marketing farm products.

Sec. 12. The Board of Agriculture is authorized to make and promulgate such rules and regulations as may be necessary to carry out the provisions of this act. Such rules and regulations shall be made to conform as nearly as practicable to the rules and regulations of the Secretary of Agriculture of the United States prescribed under any act of Congress of the United States relating to the marketing of farm products.

Sec. 13. Any person who violates any provision of this act, or of the rules and regulations made under the act for carrying out its provisions, or fails or refuses to comply with any requirement thereof, or who willfully interferes with agents or employees, in the execution, or on account of the execution, of his or their duties, shall be guilty of a misdemeanor.

Sec. 14. Any person convicted of a misdemeanor under this act shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment in the discretion of the court.

Sec. 15. All laws and parts of laws in conflict with this act are repealed, if any part of this act be declared unconstitutional by any court of competent jurisdiction, the validity of the re-

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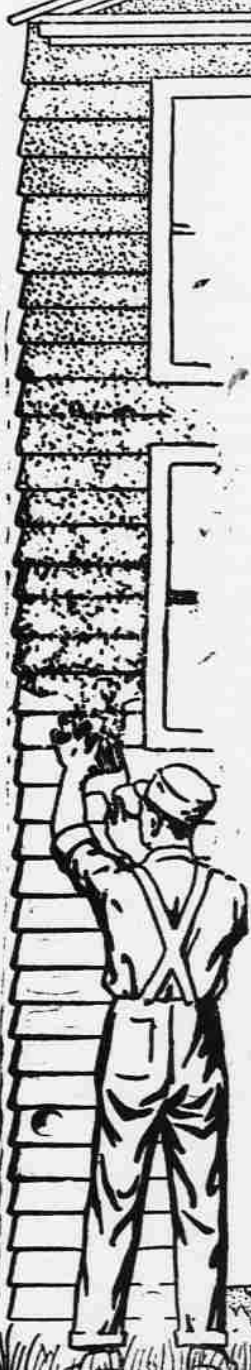
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